

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CR-00507-BR

United States of America,

v.

Michael Anthony Mata,

Defendant.

Order

Defendant Michael Anthony Mata was arrested in the District of Arizona on charges arising out of this district. D.E. 4, 6. Defendant had an initial appearance in the District of Arizona. D.E. 7-1. In response to a motion by defense counsel, that court ordered that Mata undergo a competency evaluation under 18 U.S.C. §§ 4241 and 4247. D.E. 7-3. The court found Mata to be incompetent to stand trial and ordered him committed to the custody of the Attorney General for restoration to competency. D.E. 7-4. As part of that order, the District of Arizona transferred the case to this district. *Id.*

In a report dated October 8, 2021, Dr. Lea Ann Preston Baecht, a forensic psychologist, concluded that Mata's mental condition no longer renders him incompetent to proceed. D.E. 17. The warden also filed the requisite Certificate of Competency required by 18 U.S.C. § 4241(e). D.E. 17-1. At a hearing on November 15, 2021, neither the Government nor Mata's counsel contested the

report's findings. Defense counsel asked that Defendant's extensive medical needs be considered in determining his placement pending further proceedings.

After considering the parties' positions as well as the findings in the report, the court finds by a preponderance of the evidence, under 18 U.S.C. § 4241(e), that Mata has recovered to such an extent that he can understand the nature and consequences of the proceedings against him and to aid properly in his defense. The court orders that Mata be discharged from the facility where he is currently housed and returned to the custody of the United States Marshals in the Eastern District of North Carolina as soon as practical. The court will set further proceedings in this case by separate order.

Dated: November 15, 2021

A handwritten signature in black ink, reading "Robert T. Numbers, II". The signature is written in a cursive, flowing style. The first name "Robert" is written in a larger, more prominent script, followed by "T." and "Numbers, II".

Robert T. Numbers, II
United States Magistrate Judge